

**MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL  
OF EAST GULL LAKE, COUNTY OF CASS, STATE OF MINNESOTA  
REGULAR SESSION  
September 5, 2023  
6:30 PM**

Mayor Kavanaugh called the September 5, 2023 regular Council meeting to order at 6:30 PM. The pledge of allegiance was recited.

**ROLL CALL**

Present: Mayor Kavanaugh, Councilors Bergin, Ruttger, Demgen and Hoffmann

Absent: None

City Staff: City Administrator Laura Christensen, Public Works Director Matt Poythress, Administrative Assistant Kathy Schack

P&Z Representative: Planning Commissioner Tollefson

Audience: See attached

**ADOPTION OF AGENDA**

4a. Additions: **16e. 2024 League of MN Cities Membership Dues**

4b. Deletions: None

**Councilor Hoffmann moved and Councilor Bergin seconded the motion to approve the agenda as presented. All present voted in favor thereof. Motion carried.**

**ADOPTION OF CONSENT AGENDA**

**Councilor Demgen moved and Councilor Bergin seconded the motion to approve the following Consent Agenda items. All present voted in favor thereof. Motion carried.**

5a. August 1, 2023 City Council Meeting Minutes

5b. Financial Report

- ◆ July, 2023 bank statement information
  - Checking Account
    - Total Additions: \$528,318.10
    - Total Subtractions: \$758,087.14
    - Ending Balance: \$198,716.71
    - Interest Earned to date: \$343.23
  - Money Market Account
    - Interest Earned: \$255.61
    - Transfer to Checking: \$250,000.00
    - Ending Balance: \$164,120.30
    - Interest Earned to date: \$1,189.24
- ◆ Approve August, 2023 Check Register
  - Claims 21969 to 22019 for total amount of \$191,062.60
- ◆ Approve August, 2023 payroll EFT payments
  - Payroll Checks Register Total: \$44,799.59
- ◆ Monthly Budget Report, Delinquent WW Customers Report

**OPEN FORUM\*\***

6a. None

## **PLANNING & ZONING**

7a. Planning Commission Meeting Report – August 29, 2023

Commissioner Tollefson addressed the Council regarding the P&Z meeting.

The sketch plans noted below were discussed noting the requirements needed to move forward.

- Kenbrook Sketch Plan – recommended denial, within 50 feet of the shoreline
- Scherping Sketch Plan – add city wastewater to garage; not allowed (variance required) as would create guest quarters on a substandard lot
- Wilson Sketch Plan – required reduction in proposed size of garage; will submit CUP

7b. Consider approval of CUP Application 2023-34 –Close

**Councilor Bergin moved and Councilor Demgen seconded to approve CUP 2023-34; Resolution 09:02-23 subject to the findings and conditions as presented by the Planning Commission. Motion carried by 5/5 roll call vote.**

7c. CUP Application 2023-29 – SBA Towers tabled

It was noted that the attorney from SBA stated the 60 day decision making period has passed so they can forward with the project. It was decided to ask Attorney Pearson to look into the situation.

7d. Consider approval of CUP Application 2023-22 –Anderson

**Councilor Bergin moved and Councilor Ruttger seconded to approve CUP 2023-22; Resolution 09:05-23 subject to the findings and conditions as presented by the Planning Commission. Motion carried by 5/5 roll call vote.**

7e. Short Term Rental discussion

It was noted that the four times per year was still favorable by the Commission and the Council agreed with that.

7f. Consider recommendation to place moratorium on Planned Unit Developments

It was noted that an ordinance will need to be adopted and this process also requires a public hearing.

**Councilor Bergin moved and Councilor Demgen seconded to approve city staff to follow up preparing an ordinance amendment to place a moratorium on Planned Unit Developments until the new City Ordinance is completed, up to 8 months. All present voted in favor thereof. Motion carried.**

7g. Consider Lot Split Application 2023-32A - Dondelinger

**Councilor Hoffmann moved and Councilor Demgen seconded to approve the Lot Split Application 2023-32A for the Dondelinger property. All present voted in favor thereof. Motion carried.**

## **WASTEWATER & ROAD REPORT**

8a. WSB report

Paul Sandy addressed the Council regarding the update on the 2023 project.

8b. Resolution 09:03-23: MPFA Grant Agreement

**Councilor Ruttger moved and Councilor Hoffmann seconded, the motion to adopt Resolution 09: 03-23 – Authorizing the City Of East Gull Lake to submit information to the Minnesota Public Facilities**

**Authority (MPFA) and to enter into a grant agreement with the MPFA; absent: none. Motion carried by 5/5 roll call vote.**

8c. Consider improvements to 120th Street

Quotes have been reviewed and Sylvan Twp has approved the proposal from Anderson Brothers and Bodell Landscape & Excavation. It was stated that there are two culverts that need to be replaced. The total for the pavement portion of the project is \$37,326.00 with the changes.

**Councilor Bergin moved and Councilor Demgen seconded the motion to approve Bodell Landscaping and Excavation quote for culvert replacement for half of the \$21,612.00 cost or a \$10,806.00 total. All present voted in favor thereof. Motion carried.**

**Councilor Bergin moved and Councilor Hoffmann seconded the motion to approve Anderson Bros bid for paving for half of the \$37,326.00 cost or a \$18,663.00 total. All present voted in favor thereof. Motion carried.**

**PUBLIC SAFETY**

No Report

**PARK & TRAILS**

No Report

**PERSONNEL COMMITTEE**

No Report

**BUDGET COMMITTEE**

12a. Certificate of Proposed Levy for 2024

RESOLVED That the following sums be, and hereby are, proposed to be levied upon the taxable property in the City of East Gull Lake, County of Cass, State of Minnesota, for the year payable 2024 for the following purposes, to-wit:

<b>FUND</b>	<b>CERTIFIED LEVY</b>
General Fund	\$162,000.00
Public Safety	\$30,000.00
W.W. Plant Expansion	\$153,000.00
Roads, Streets, & Highway	\$185,000.00
GO Bond 2015 Road Improvements	\$140,000.00
GO Bond 2013 Road Improvements	\$70,000.00
GO Bond 2023 Tax Abatement	\$68,000.00
Parks & Recreation	\$45,000.00
Planning & Zoning	\$130,000.00
<b>TOTAL CERTIFIED LEVY</b>	<b>\$983,000.00</b>

It was announced that the final budget and levy will be discussed at the regularly scheduled December 5, 2023 City Council meeting to be held at 6:30pm at East Gull Lake City Hall. The public will be allowed to speak at subsequent meetings.

**Councilor Demgen moved and Councilor Ruttger seconded, the motion to adopt Resolution 09:01-23 – Certificate of Proposed Levy for 2024; absent: none. Motion carried by 5/5 roll call vote.**

## **MAYOR'S REPORT**

Mayor Kavanaugh introduced the new Cass County Sheriff Bryan Welk and Sergeant John Yochum. Mayor Kavanaugh briefly discussed the possibility of a firehall for the city.

## **CITY ADMINISTRATOR**

14a. Administrator's Report

14b. Tax research

Administrator Christensen addressed the Council regarding the different types of local taxes that might be available to implement sometime in the future.

14c. Deer complaint

Administrator Christensen stated that the city has been approached regarding the damage deer in the area have been doing. It was noted by the council that the city has no recourse.

## **OLD BUSINESS**

None

## **NEW BUSINESS**

16a. Public Hearing: Consider Ordinance Amendment 2023-01 to provide for reimbursements for incurred cost as result of code enforcement actions

This ordinance amends Title 1 by amending Section 1.1-19 General Penalty of the East Gull Lake City Code to include Section 1.1-19(6) as follows:

(6) The costs and expenses of all code enforcement proceedings brought by the City in any fashion, including in criminal or civil court, including, but not limited to, attorney fees, shall be the responsibility of the party or parties against whom the City brings the enforcement proceeding and that party or those parties against whom the enforcement action is brought shall fully reimburse the City for all costs and expenses of enforcement, including, but not limited to, attorney fees. The City also reserves the right to record a lien against real estate that is the subject of a land use enforcement action pursuant to Section 514.67 of Minnesota Statutes, for any of the aforementioned unpaid costs and expenses.

Attorney Pearson addressed the Council addressing reimbursement for enforcement actions taken ordinance amendment.

Vicki Smith addressed the Council with a question regarding enforcement. It was noted that Cass County sheriff does not enforce city ordinances.

Emily Bauernfeind addressed the Council questioning if enforcement could be hired from the county, and it was restated that they would not enforce city code. It was noted that even if we had a city police department, it is still a matter for the attorney to handle as it is against the city ordinance. She also stated that as a hangar was not approved, could the city require the "hangar" be taken down.

Sharon Gibbons addressed the Council stating the Mayor should be more conscious of the fact that on the audio it is hard to distinguish who is speaking. So, she requested they be more careful when hearing someone from the audience speak and state their name clearly before speaking.

George Hart addressed the Council stating the fines should be increased with each incident.

Steve Best addressed the Council stating the property values are dropping because of this. John Louwers addressed the Council asking about the FAA getting involved and asked if he could lose his license because he is violating the city code. Bryan Welk, County Sheriff, spoke to the issue of the FAA enforcing his ability to land on his property. He stated that he discussed the issue with the FAA and they do not enforce city code, therefore it does not affect his license status.

**Councilor Bergin moved and Councilor Demgen seconded the motion to approve Ordinance Amendment 2023-01 first series, an Ordinance amending the City Code to provide for reimbursements for incurred cost as result of code enforcement actions. All present voted in favor thereof. Motion carried.**

**Councilor Hoffmann moved and Councilor Bergin seconded the motion to approve Ordinance Amendment 2023-01 summary for publication. All present voted in favor thereof. Motion carried.**

16b. Consider enforcement action regarding non-permitted airport activity  
Attorney Pearson addressed the Council regarding the landing of Mr. Schieffer’s helicopter.

**Councilor Hoffmann moved and Councilor Bergin seconded the motion to approve permission for Attorney Pearson to begin pursuing enforcement action against Mr. Schieffer for landing his aircraft on private property, which is against City Code. All present voted in favor thereof. Motion carried.**

**Councilor Ruttger moved and Councilor Bergin seconded the motion to approve continuance to this agenda item until September 13, 2023 at 7pm at City Hall. All present voted in favor thereof. Motion carried.**

16c. Consider copier lease

**Councilor Hoffmann moved and Councilor Bergin seconded the motion to approve upgrading to a new copier (IRDXC3926i) with a \$91.20 per month/60-month lease. All present voted in favor thereof. Motion carried.**

16d. Resolution 09:04-23 delegating rights of City Engineer and Planning and Zoning Administrator to WSB for contracted service purposes

**Councilor Hoffmann moved and Councilor Demgen seconded, the motion to adopt Resolution 09: 04-23 – delegating rights of City Engineer and Planning and Zoning Administrator to WSB for contracted service purposes; absent: none. All present voted in favor thereof. Motion carried by 5/5 roll call vote.**

**16e. 2024 League of MN Cities Membership Dues – \$1,433.00**

**Councilor Demgen moved and Councilor Bergin seconded the motion to approve payment of the League of MN Cities Membership Dues – \$1,433.00. All present voted in favor thereof. Motion carried.**

**NEXT REGULAR SESSIONS OF CITY COUNCIL/OTHER MEETINGS**

City Council Meeting ..... Wednesday, September 13, 2023 at 7:00pm  
Planning and Zoning Meeting ..... Tuesday, September 26, 2023 at 6:30pm  
City Council Meeting ..... Tuesday, October 03, 2023 at 6:30pm

**Councilor Bergin moved and Councilor Demgen seconded the motion to adjourn the meeting. All present voted in favor thereof. Motion carried.**

Transcribed by East Gull Lake Administrative Assistant Kathy Schack. These minutes are paraphrased and are not written word for word.

**\*CONSENT AGENDA ITEMS** are considered to be routine and noncontroversial by the Council and will be approved by one motion. There will be no separate discussion for decision of these items unless a Councilmember, staff member, or citizen so requests due to a speculative controversy, in which case the item will be removed from the consent agenda and considered under the regular agenda.

**\*\*OPEN FORUM** allows the public to speak to the Council regarding issues that are not on the agenda.



# Council Meeting

September 5, 2023

Meeting Sign in Sheet

1	<p>10 spots reserved for Councilors and City Staff.</p>	25	George Hoff
2		26	John Gudaylos
3		27	Paul Knutson
4		28	Steve Bro
5		29	John Gil
6		30	John Ben
7		31	<del>John Ben</del>
8		32	May Ann Anderson
9		33	John Redminger
10		34	John Redminger
11	Smith Bauernfeind	35	Jim Benson
12	Paul Sandy	36	Jeff Lindbeck
13	Paul Tolbert	37	PAUL WATKINS
14	Bryan West	38	John Yochum
15	John Gil	39	
16	Vicki Smith	40	
17	Marion Gilson	41	
18	Greg Stimpf	42	
19	Tom Ward	43	
20	James Ward	44	
21	Randy Bauernfeind	45	
22	John Louwers	46	
23	Nathan Sellers	47	
24	Melissa Hart	48	